

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7217

BILL NUMBER: SB 547

NOTE PREPARED: Jan 8, 2009

BILL AMENDED:

SUBJECT: Expungement of Criminal Records.

FIRST AUTHOR: Sen. Zakas

FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State

Summary of Legislation: The bill establishes a procedure to restrict access to limited criminal history information concerning nonviolent convictions if the person has not been convicted in the previous four years.

Effective Date: July 1, 2009.

Explanation of State Expenditures: If an offender does not have a conviction for a crime more serious than a Class D felony or for a violent crime, the offender will be able to petition the Indiana State Police (ISP) to limit access to the person's limited criminal history after 4 years rather than 15 years. Limited criminal history would still be available to criminal justice agencies.

The ISP would reopen access to the limited criminal history if the person is subsequently convicted of a new crime other than a traffic violation, or if a person is arrested or charged with a crime and there is no disposition after one year has elapsed. Offenders who are convicted of a subsequent offense would be barred from petitioning again for limitation.

The ISP would incur costs for administering this section, but the costs are expected to be minimal. The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Background: IC 35-38-5-5 allows a person to petition ISP to limit access to an individual's limited criminal history information to criminal justice agencies if more than 15 years have elapsed since the date the person was discharged from probation, imprisonment, or parole (whichever is later) for the last conviction for a crime. However, this does not apply to individuals who (1) have volunteered services involving contact with, care of, or supervision of a child who is under the discretion of a social services agency or nonprofit corporation, or (2) is being sought after by the parent locator service of the Child Support Bureau in the Department of Child Services.

ISP reports receiving between one and three requests each month to limit access for noncriminal justice agencies.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: ISP.

Local Agencies Affected:

Information Sources: ISP.

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